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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Note verbale dated 2 February 1995 from the Permanent Mission of Kuwait to the United Nations Office at Geneva addressed to the Centre for Human Rights

The Permanent Mission of Kuwait to the United Nations Office at Geneva presents its compliments to the Centre for Human Rights, and with reference to document A/49/394, dated 19 September 1994, comprising the reply of the Government of Iraq to the report on the situation of human rights in Iraq of the Special Rapporteur of the Commission on Human Rights contained in document E/CN.4/1994/58, dated 25 February 1994, would like to set forth as follows the reply of the Government of Kuwait to the claims contained in the Iraqi note concerning the issue of Kuwaiti prisoners and disappeared persons and requests that it be circulated as a document of the fifty-first session of the Commission on Human Rights under agenda item 12.

1. In paragraph 10 of its reply, Iraq alleges that, driven by a humanitarian impulse, it is at present cooperating seriously with the International Committee of the Red Cross to search for Kuwaiti prisoners and disappeared persons and to bring this matter to a conclusion. Kuwait would like to state here that Iraq has not effectively cooperated with any international effort concerning the issue of prisoners and disappeared persons, since its participation in the meetings of the tripartite committee chaired by the International Committee of the Red Cross goes no further than nominal attendance following a boycott that lasted several years. Similarly, the Iraqi replies to individual files have produced nothing fresh and were insufficient to clarify the whereabouts of prisoners and disappeared persons. Instead, they were worded in a manner aimed essentially at procrastination, evasion and obstruction and achieved no substantial result.

2. Iraq alleges that the initiatives shown by "well-intentioned parties" were met with rejection by the Kuwaiti side. This false allegation turns the facts on their head, since it is well known that Kuwait welcomed various Arab and international initiatives to resolve this human tragedy, although it ceased to do so after reaching an impasse owing to the prevarications of the Iraqi side and its failure to address that tragedy with any seriousness; Iraq's cooperation is the only condition for a successful outcome and has not yet been forthcoming.

3. Iraq alleges that there are numerous Kuwaitis in Iraq whom Kuwait has so far not permitted to return to Kuwait. The truth is that those individuals referred to in the Iraqi note are not Kuwaiti citizens and do not hold Kuwaiti nationality. On the contrary, they are Iraqi citizens who were residents of Kuwait, which they left for Iraq during the period of occupation or with the defeated Iraqi troops. Many of them were employed as soldiers or as agents of the Iraqi occupation forces. As a humanitarian gesture, Kuwait, under "Operation Reunification", none the less repatriated those of them with family ties in Kuwait who were not engaged in any hostile activity during the occupation period.

4. Finally, Kuwait wishes to point out that, in its aforesaid reply, Iraq was unable to refrain from the habit of distorting fact and depicting the opposite of things as they stand, that being a part of its nature with which the world was thoroughly acquainted both before and during the period of the Iraqi occupation of Kuwait.

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COMMISSION ON HUMAN RIGHTS
Fifty-first session
Item 19 of the provisional agenda

REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

Note verbale dated 18 January 1995 from the Permanent Mission of Denmark to the United Nations Office at Geneva addressed to the United Nations Centre for Human Rights

The Permanent Mission of Denmark to the United Nations and other international organizations in Geneva presents its compliments to the United Nations Centre for Human Rights, and, with reference to the latter's Note of 15 April 1994 (reference G/SO 232/26 46th), inviting the Danish Government to express its views on the possibility of establishing a permanent forum for indigenous people, has the honour, on behalf of the Government of Denmark and the Greenland Home Rule, to submit the attached discussion paper to the Commission on Human Rights at its fifty-first session.

It is our hope that the paper will facilitate deliberations on the subject in the time to come.

The paper reviews a number of questions relating to the establishment of a permanent forum for indigenous peoples without reaching definite conclusions. At this stage it seems to be necessary to keep an open attitude and to provide sufficient time for an extensive process of consultation and discussion to take place before reaching a decision.

A basic consideration must be to ensure that a permanent forum in no way weakens the recognition of the rights of indigenous peoples or the existing procedures and institutional structures in the United Nations system,

including the Working Group on Indigenous Populations. To achieve this it will be important that indigenous peoples have the opportunity to take part in all negotiations leading to a decision. Establishing a permanent forum will have to be a gradual process building on a mutual understanding among the interested parties: indigenous peoples, the United Nations, and governments.

The mandate of a permanent forum should be open and basically cover all matters of concern to indigenous peoples. Effective indigenous participation and influence in the United Nations system require, however, some division of labour with other United Nations bodies. In this connection it will be particularly important to focus on the role of the Working Group of Indigenous Populations.

While the mandate of the Working Group could be continued and strengthened a permanent forum could bring human rights questions from a legal into a practical framework, drawing together the social, economic and cultural implications of indigenous rights and their ramifications in development and environmental issues. Furthermore, a permanent forum could play an important role in the coordination of United Nations activities affecting indigenous peoples.

The forum should be open for participation of indigenous representatives, governments and other United Nations bodies and organizations. To create focus and direction a focal point in the forum should be established, possibly in the form of a committee who would direct proceedings and receive representations from participants. This committee should consist of both governments and indigenous representatives. One possible way of selecting members for the focal committee would be for indigenous organizations and governments to nominate an appropriate number of candidates to the Secretary-General who would then appoint them. Indigenous peoples would have to discuss the possibilities of establishing a procedure for nomination of indigenous candidates, taking into account the need for a broad regional spread.

A variety of possibilities exist for the institutional status of the permanent forum. It could be placed directly under the Secretary-General or under the General Assembly, ECOSOC, or the functional commissions under ECOSOC.

A Permanent Forum in the United Nations for Indigenous Peoples: Discussion Paper

Government of Denmark
Greenland Home Rule

I. INTRODUCTION

For many years, indigenous peoples throughout the world have raised the possibility of establishing a permanent international forum which can reflect their concerns and contribute to the alleviation of their problems. During the inauguration of the International Year of the World's Indigenous People in New York on 10 December 1992, several indigenous representatives outlined a wide range of different options for promoting their cause within the United Nations and since then the possibility of a permanent forum has been a topic of discussion at meetings and conferences all over the world.

Until now, indigenous peoples have only had a small input at the lowest level of the United Nations system in the Working Group on Indigenous Populations (WGIP) which has been discussing indigenous rights questions since 1982. In spite of the Working Group's considerable achievements, indigenous peoples gain little attention and receive few resources in the United Nations system compared to other disadvantaged sectors. In recognition of this problem, government representatives and concerned persons have listened with interest to the proposals of indigenous peoples for a more permanent institutional position in the United Nations.

A few months after the inauguration of the International Year of the World's Indigenous People, at the World Conference on Human Rights held in Vienna, June 1993, Ms. Henriette Rasmussen, Minister for Social Affairs and Employment of the Greenland Home Rule Government, emphasized the importance of a permanent body on indigenous peoples within the United Nations and advocated much greater access for them within its system. Her proposals were divided into two priorities:

> "First of all, we ask the World Conference to support the notion of a permanent advisory body on indigenous peoples, as well as the notion of a permanent office. In my view, such a permanent body may be a committee under the auspices of ECOSOC, and should stimulate an ongoing dialogue between Governments and indigenous peoples, and furthermore carry out functions relating to the implementation of the emerging universal declaration on the rights of indigenous peoples. Such a committee shall have adequate resources and funding.
>
> "As the second priority, the issue of access to the United Nations machinery in general, and to proper agencies, monitoring bodies, conferences and ad hoc meetings in particular, is an ardent wish by indigenous peoples. To give you an example, I can tell that, at the moment, a mere 12 indigenous peoples' NGOs have obtained a consultative status with ECOSOC. The on-going human rights violations against indigenous peoples around the world show the urgent need for concerted

action, and one of the best ways to do so is to provide more access, participation and representation to the United Nations by indigenous peoples' NGOs."

This statement provides the inspiration for the present paper which reviews a number of questions relating to the establishment of a permanent forum.

II. BASIC CONSIDERATIONS

The notion of partnership for indigenous peoples is complicated. In all areas of the world indigenous peoples are heavily disadvantaged and suffer violations of their human rights and fundamental freedoms. Indigenous peoples have expressed their desire for a permanent forum and if this is to succeed it must ensure protection and guarantees not only for their human rights, but in all matters essential for their survival. The forum must in no way serve to weaken the recognition of their rights and freedoms. To achieve this it will be important that indigenous peoples have the opportunity to take part in all negotiations leading to the establishment of a permanent forum on equitable terms with other parties.

The purpose of a permanent forum for indigenous peoples should not be to undermine existing procedures and institutional structures of the United Nations system, including the Working Group on Indigenous Populations. The permanent forum for indigenous peoples could contain aspects which have precedents in other areas of the United Nations system, but these similarities will be based on partial analogies. The concept which is under discussion is something unique in the history of the United Nations and through the process of clarification currently under way will emerge sui generis. However, the new permanent forum should be neither seen nor treated as a threat or alternative to any other of the bodies and fora within the United Nations system, particularly those dealing with the rights of indigenous peoples.

A forum whose recommendations are ignored and whose decisions are impossible to implement because of a lack of consensus among the different parties is in no one's interest. Establishing a permanent forum for indigenous peoples is a gradual process which must be embarked upon with care so that the different parties - indigenous peoples, the United Nations bodies and the member Governments - all recognize that the initiative will produce fruitful and positive results, providing practical improvements for indigenous peoples.

III. OVERALL MANDATE OF A PERMANENT FORUM

The permanent forum should be open to address all matters which concern indigenous peoples and could undertake a multitude of different activities. Examples of the areas which could come under scrutiny have been included in discussions of the International Decade of the World's Indigenous People, including human rights, the environment, development, health and education as well as cultural integrity and conflict prevention. Indigenous peoples embrace a comprehensive and holistic view of the world which does not easily divide into mutually exclusive categories. In community life all of the areas mentioned above inter-relate in intricate and complicated patterns. A forum

which genuinely reflects indigenous peoples' understanding should try and incorporate as many factors within its mandate in as flexible a manner as possible.

However, to provide a forum with what could amount to an unstructured mandate could be impractical. The consequences of including everything within a permanent forum, at least in its early years, would lead to an enormous remit which for practical reasons would probably have to be drawn into a manageable framework. The result would need to tread a careful balance between reflecting indigenous holistic perspectives of the world and establishing a division of labour which would make effective indigenous participation and influence in the United Nations system possible.

IV. DIVISION OF LABOUR WITH THE WORKING GROUP ON INDIGENOUS POPULATIONS

In order to approach this problem, it will be necessary to look closely at other bodies and forums within the United Nations which deal with indigenous affairs and in particular the Working Group on Indigenous Populations. As the main forum within the United Nations system for reviewing and monitoring indigenous rights, it has accomplished important achievements throughout its years of activity not the least of which has been the drafting of a substantial declaration on the rights of indigenous peoples. Any discussion on the proposed permanent forum for indigenous peoples therefore has to raise the question whether its activities will have a deleterious effect on the Working Group on Indigenous Populations.

An initial question is whether the Working Group could be combined with the idea of a permanent forum. The advantage of such a combination might be tempting from the perspective of cost-cutting but it would not necessarily lead to a more efficient or even economical solution.

In the first place, the mandate of the Working Group operates from within the framework of the Commission on Human Rights whereas the idea of a permanent forum, if it is to reflect the goals of the Decade, will embrace broader concerns such as the environment, development, education, health and culture. To combine its own mandate as well as that of the permanent forum would considerably over-stretch the Working Group. Maybe in the distant future after the permanent forum is well established it might be possible to review the relationship between the two bodies, but until then, any option to combine the idea of a permanent forum with the Working Group should be viewed with caution.

Another option, more logical than the first, is to look at the work which is not done by the WGIP and strive to ensure that the permanent forum and the Working Group co-exist within the United Nations system carrying out complementary and collaborative activities in different areas of indigenous affairs. The question then becomes not whether the Working Group should be affected by the permanent forum, but how both bodies can contribute complementarily to the well-being of indigenous peoples.

Rather than change the mandate of the Working Group, it should be perfectly possible to support and strengthen its continuing contribution to the recognition of indigenous rights while letting the permanent forum bring

human rights questions from a legal into a practical framework based on constructive recognition and implementation, drawing together the social, economic and cultural implications of indigenous rights and their ramifications in development and environmental issues. The problems facing indigenous refugees and the particular perspectives of indigenous youth and indigenous women are all areas which would be appropriate topics of focus for the indigenous forum. There are many questions however, which would remain as to the details of the mandate of a permanent forum and broad consultation is necessary to draw them together into one framework.

V. COORDINATION WITHIN THE UNITED NATIONS SYSTEM

Another aspect of the mandate of a permanent forum could be to provide coordination between indigenous peoples and other United Nations organs and specialized agencies which are connected with indigenous questions. Among these, within the United Nations, are the Commission on Sustainable Development, the United Nations Environment Programme, the United Nations Development Programme and UNHCR, to name a few. WHO, UNESCO, ILO and the World Bank are clearly important in this respect too.

All of these institutions carry out activities which affect indigenous peoples but provide limited means for indigenous voices to be heard. A permanent forum could develop channels of communication with and between these bodies and could play an important role in the coordination and evaluation of United Nations operational activities affecting indigenous peoples.

VI. METHODS OF WORK

The permanent forum should determine its own methods of work. The most important aspect of its function should be its capacity to welcome all indigenous representatives to its meetings. Its functions could range from seeking ways to promote conflict resolution, particularly regarding the difficult and practical problems facing indigenous peoples, to making decisions, recommendations, comments or proposals to appropriate bodies and agencies within the United Nations system. If the necessary funding was made available a permanent forum could also provide indigenous peoples with technical services to aid the solution of their problems by helping them use those bodies of the United Nations which are relatively neglected by indigenous peoples.

The extent of a forum's activities could cover areas as diverse as: its agenda, dissemination of information, establishing thematic or regional working groups, evaluation activities, urgent action procedures, country visits, the appointment of special rapporteurs, holding expert meetings, the elaboration of studies, small-scale projects and technical and expert advice to other United Nations bodies and agencies. All of this work will continue the important activity of consciousness-raising about the problems facing indigenous peoples, concentrating on the practical implications of human rights violations arising from the implementation of the declaration on the rights of indigenous peoples in order to reduce conflict in the world.

The procedures for decision-making in the permanent forum can be either through a system of voting or agreement by consensus which is usually the method favoured by indigenous peoples. Fairness in the proceedings and equity between the members will be important principles for the success of the forum.

VII. STRUCTURE OF A PERMANENT FORUM

A forum can be considered as an open meeting where all participants can gather together to discuss matters of mutual concern. However, it is important to clarify what is meant by a forum in the context of the United Nations in order to avoid proposing an ill-defined body which ignores the existing structural possibilities within the system. A permanent forum could theoretically be a loosely organized "meeting place", but without some direction or focus it could easily become a cumbersome body incapable of coming to any agreement.

One possibility would be to treat the forum as an assembly where different members such as indigenous people or NGOs and Governments can meet, discuss and take decisions. However this might have the effect of curbing participation in the forum as there would have to be a large fixed membership while others in attendance could be relegated to observer status. This would prevent the forum being truly open. One way to avoid this would be to create a focal point in the forum who would direct the proceedings and receive representations from all the participants who wish to speak or present documentation.

There are several possible focuses for directing the forum such as a council, commission, subcommission, a committee or a working group on indigenous affairs. Within the United Nations system councils and commissions are substantial bodies consisting of a sizeable number of government representatives. An advantage of a council or commission is that as government members dominate the proceedings, decisions can take effect throughout the United Nations system. A possible direction for thought could be to widen the concept or council or commission so that indigenous representatives are members of the body.

A committee would also be an appropriate body to which the forum could coalesce. Of the terms discussed here, "committee" seems to be the most useful concept because it can take many forms within the United Nations, ranging from expert committees monitoring international treaties, to advisory bodies consisting of government representatives and/or independent experts. The flexibility of the term is definitely an attribute which makes it attractive when the discussion of a permanent forum is at such a preliminary stage.

The question which arises from here is how to combine the notion of a forum and a committee in a manner which will bring together in harmony indigenous peoples, the United Nations system and its member Governments.

VIII. PARTICIPATION IN A PERMANENT FORUM

A permanent forum consisting exclusively of indigenous peoples' organizations is unlikely to be acceptable to Governments and, furthermore

government presence in the forum is important to ensure that any decisions or recommendations carry weight within the United Nations system. In the same way, a permanent forum on indigenous peoples consisting exclusively of government representatives is likely to be unacceptable to indigenous peoples whose active presence in a permanent forum clearly is a pre-requisite to its success.

The Working Group on Indigenous Populations is an already existing forum which contains Governments, indigenous representatives, United Nations representatives, representatives of the specialized agencies of the United Nations, non-governmental organizations - both indigenous and non-indigenous - and people who attend in their capacity as experts on the subject of indigenous peoples. The experience of the Working Group is particularly pertinent in demonstrating the advantages of a forum which offers broad access to participants and where a wide range of material has been presented and disseminated over the years. For this reason, it is important that a permanent forum should be as open as possible to enable the maximum opportunity for indigenous peoples to provide their input into its work.

IX. MEMBERSHIP OF THE FOCAL COMMITTEE

There are several different possibilities for membership of the focal committee which will listen to the presentations of the participants of the permanent forum. As in the case of those with access to the permanent forum, the exclusive presence of either Governments or indigenous peoples on the committee is unlikely to be accepted by the other party. Furthermore, indigenous representatives picked by Governments are an unsatisfactory solution because they may encounter conflicts of interest. The candidates should under all circumstances comprise people with extensive knowledge on indigenous affairs, and persons of high moral character with an understanding of indigenous rights.

There are existing mechanisms within the United Nations system that allow indigenous representatives to be nominated through the Secretariat to the Secretary-General who would appoint them to a United Nations body. This is the procedure which takes place for appointing indigenous members to the Board of Trustees of the Voluntary Fund for Indigenous Populations according to General Assembly resolution 40/131 of 13 December 1985. This procedure indicates the possibility of a broad range of options for establishing indigenous members of a committee using precedents from the multifarious examples of committees throughout the United Nations system. The various options should be considered in the light of the possibility of combining them with an indigenous-run procedure for nominating candidates to the Secretary-General.

The exclusive use of indigenous NGOs with consultative status with ECOSOC on the committee could be difficult because of the problem of ensuring a broad regional spread. Of the 12 organizations in case, only 1 comes from the South. This complicates the question of finding a procedure for indigenous peoples and their organizations to choose candidates for the committee. It would be necessary to bring indigenous peoples together at regional and international conferences in order to discuss the possibilities for establishing a proper procedure.

Members of the committee representing Governments could be appointed by the Secretary-General basically in the same way as indigenous representatives. For these members Governments could then be responsible for selecting candidates for nomination in parallel with the indigenous procedure. There would, however, also be other - and more direct - ways of electing Government representatives according to well established procedures in the United Nations system.

The size of the committee should be neither too large nor too small. Twenty or more persons may create the false impression that this is a representative body and lead to cumbersome methods of reaching a consensus decision. On the other hand, too small a number would not reflect the range of expertise or the balance between Government and indigenous-nominated members of the same committee. An average of five Government and five indigenous experts could provide a suitable solution. They could possibly be elected for periods of three or four years.

The committee members should reflect a geographical spread throughout the world. This is already organized for member Governments of the United Nations which constitute the five regions: Western European and Other States, Eastern European States, African States, Asian States and Latin American and Caribbean States. However, for indigenous peoples, some discussion could be necessary before a regional structure is adopted which reflects an authentic indigenous voice particularly taking into account the indigenous peoples of the Arctic and Pacific.

X. THE INSTITUTIONAL STATUS OF A PERMANENT FORUM

An important question concerns the body to which a permanent forum should report and where within the United Nations system it should be placed. There exist several options:

1. A permanent forum could be placed as an advisory body to the Secretary-General. The advantage of this would be that the findings and recommendations of the forum could be spread widely throughout the United Nations system and would find their way directly to the appropriate organ. On the other hand, a difficulty with this arrangement is that the forum would not be placed at a fixed point in the system and might find that its influence is spread too widely to be useful.

2. A permanent forum could be placed as an advisory body to the General Assembly. Not all committees under the General Assembly are treaty bodies dealing with specific conventions. Such an example is the Special Committee against Apartheid. Even though there are currently no specific binding legal instruments concerning the indigenous, this need not necessarily preclude some direct relationship between indigenous people and the General Assembly. It might, however, be particularly difficult to secure a sufficiently broad participation in the forum at this level of the United Nations system. Nevertheless, this option is not impossible and warrants further discussion. One aspect of the possible mandate of the forum that would benefit from a placement at this level would be that of conflict prevention.

3. The Economic and Social Council could provide a focus for a permanent forum. There are many subsidiary bodies of ECOSOC including committees and functional commissions such as the Commission on Human Rights, the Commission on Sustainable Development and the Commission on the Status of Women. There are expert committees under ECOSOC such as the Committee on Economic, Social and Cultural Rights which monitors the International Covenant on Economic, Social and Cultural Rights but not as a body based in a treaty. ECOSOC is the principal organ for supervising the economic and social activities of the United Nations system concerning human rights, the environment, development, health, education, cultural issues and other areas. Among its many activities is the task of overseeing and coordinating between different members of the United Nations family.

If placed at this level, a permanent forum would be in an appropriate position for carrying out the principal orientations of its work which were identified earlier as broadly connecting human rights questions to the environment, development, health, education and cultural matters while coordinating indigenous questions between the different United Nations organs and specialized agencies. Although its activities should be much broader and not necessarily connected to any particular United Nations legislative instrument, a permanent forum would be in roughly the same position as the Committee on Economic, Social and Cultural Rights. If placed under ECOSOC, it would be important to ensure that a permanent forum has as broad a mandate as possible and that the full range of activities of the forum are not limited to social and economic questions in the narrow sense, but to the full range of activities present within the ECOSOC.

4. Another possible place for a permanent forum would be under one of the functional commissions, either the Commission on Human Rights or the Commission on Sustainable Development. The Working Group on the Right to Development under the Commission on Human Rights is looking at ways of implementing the Declaration on the subject and a permanent forum might be a similar body. However, the problem with the Commission on Human Rights is that if the forum were to be established under the Commission, it would be necessary to expand the mandate of the Working Group into all of the other concerns facing ECOSOC; this could overload its work and affect its efficiency.

The Commission on Sustainable Development would be another possible position for a permanent forum. It would symmetrically balance the Working Group and could provide useful information to the Commission's deliberations. However, sustainable development is only one of the many important areas of concern to indigenous peoples, such as health, education, cultural matters and human rights. The difficulty of making the forum exclusively accountable to the Commission on Sustainable Development is that the comprehensive and holistic character of indigenous life would yet again be split into artificial categories.

The question which arises from this discussion is whether a permanent forum could not be accountable to the Commission on Human Rights, the Commission on Sustainable Development, and other relevant bodies. This reinforces the advantage of an advisory body under ECOSOC because as part of its coordinating activities a permanent forum would have to be in close

contact with both functional commissions as well as the other United Nations bodies and specialized agencies. Furthermore, this position would enable the permanent forum, either through ECOSOC or directly, to communicate aspects of its work to the Secretary-General and coordinate with the High Commissioner for Human Rights.

All of these options have advantages and disadvantages. The higher the permanent forum is placed within the United Nations system the higher would be the potential for influence. For this reason, the option of a position under ECOSOC, or possibly even a higher body of the United Nations, seems to provide the most reasonable solution. Anything lower will not provide the forum with the status to make it effective and would also overload the functional commissions with work outside of their usual remit.

A clear division of labour with the Working Group on Indigenous Populations would enable the monitoring and evaluation of the declaration on the rights of indigenous peoples to continue within the framework of the Commission on Human rights. In the forum, more emphasis could be made on bringing indigenous rights policy into social and economic spheres and other areas of concern for the United Nations with an emphasis on promoting dialogue, constructive agreements and solving the practical problems facing indigenous peoples.

XI. LOCATION OF A PERMANENT FORUM AND ITS SECRETARIAT

In many ways a solution as to the location of the permanent forum and the organization of the secretariat will emerge as the other questions raised in this paper appear clearer. However, whatever is decided, the Secretariat of a permanent forum will probably need several people to deal with the office and possibly also some in different parts of the United Nations system to manage the coordination functions of the body. The additional presence of interns to carry out specific tasks will also be required. It should be considered how best to employ qualified indigenous persons for these functions.

Depending on the nature of the permanent forum, the secretariat and location will vary. If it is placed under the Commission on Human Rights, the appropriate place would be the Centre for Human Rights in Geneva, whereas if it comes directly under ECOSOC or a higher body of the United Nations, it might also be based in New York. However, the forum could gather either in Geneva or in New York or both, as does ECOSOC which has meetings in the two centres. In this way the forum would be placed within the physical presence of the United Nations system.

However, if the funding were available, there would be no reason why the secretariat could not be placed elsewhere in the world and the permanent forum meet outside of the main United Nations centres of Geneva or New York. However, it would be important to ensure that the forum does not become marginalized by being too far to the periphery of the other bodies and the specialized agencies of the United Nations with which it will coordinate. Another option to be considered is that the forum could be moveable and meet

in parts of the world where indigenous representatives would be more numerous and enable the forum to gain access to a broader spectrum of indigenous options than in the cities of Europe or North America.

XII. FINANCING OF A PERMANENT FORUM

Funding for the forum could come from three sources and probably a combination of each. The United Nations itself could pay for some of the activities surrounding the meeting while voluntary contributions from Governments will be necessary to ensure that the secretariat and servicing are well prepared. All of the conferences, translating, printing and interpretation will give rise to costs which should be identified and guaranteed at an early stage to ensure that the permanent forum functions efficiently. A further necessity will be a voluntary fund to contribute to the expenses of indigenous peoples coming to the forum and maybe also support small-scale activities promoting indigenous peoples such as educational grants, self-development projects and conflict resolution initiatives.

XIII. DECISION ON THE ESTABLISHMENT OF A PERMANENT FORUM

This paper has not answered the many questions about the permanent forum, and has possibly raised even more. However, by evaluating the limitless number of questions which are available on the subject, it has been possible to build up a general idea of the features which a permanent forum could adopt. Starting from the initial inspiration of Ms. Henriette Rasmussen and her idea of an advisory committee under ECOSOC in conjunction with greater presence of indigenous people within the United Nations system, it has been possible to suggest that of all the options, this provides a useful starting point to the discussion.

The importance of flexibility and patience in the formation of a permanent forum has been emphasized as has the concern that the initiative should not weaken or detract from the important activities of the Working Group on Indigenous Populations. On the basis of these comments, it should be possible to see a more detailed plan of a permanent forum gradually emerge over the next few years.

A process of consultation could be organized to discuss the forum and how indigenous candidates could be nominated for membership of the committee. A world summit organized by indigenous peoples at some point in the course of the Decade would provide the space for indigenous peoples to discuss a permanent forum and procedures for selection of candidates. A system of questionnaires could be sent to indigenous organizations asking their opinions on a permanent forum. Indigenous researchers in different parts of the world could be asked to submit orientation papers as to how a permanent forum could best suit the needs of their region. These are only a few suggestions or the consultation activities which could be carried out.

A brief look at the activities which will be necessary shows that the process will have to take some time. For example, 1993 and 1994 have seen the first discussions of a permanent forum, primarily in the form of a series of questions and possibilities. 1995 will be taken up by consultation with indigenous peoples and Governments as to the best models for a forum and a

discussion of the process of choosing members of the committee. 1996 will be the first opportunity for indigenous peoples themselves to respond to the consultation process. It will possibly not be until 1997 before the questions which are discussed here are anywhere near a definitive answer. Then the process of reaching the desired plan for the forum approved by the United Nations will take place, maybe not until 1998 or even later.

The debate on a permanent forum should be allowed to take as long as necessary in order to provide indigenous peoples with a meaningful place within the United Nations system. A permanent forum must contribute constructively to the protection of their well-being and provide genuine solutions to the multitude of problems which they face.